

STAFF REPORT
PLANNING COMMISSION

FILE NO.: C13-042

Submitted: October 9, 2013

PROJECT DESCRIPTION:

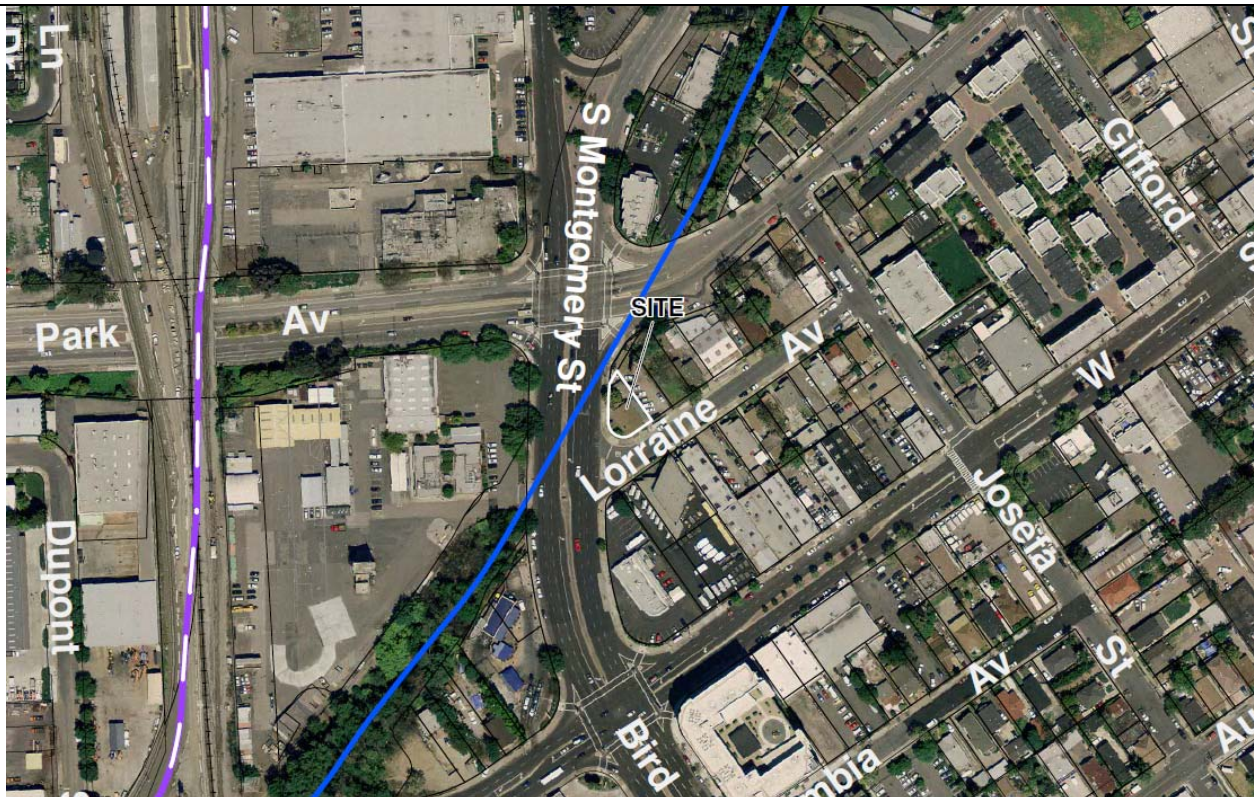
Conventional Rezoning from the LI - Light Industrial Zoning District to the DC - Downtown Primary Commercial Zoning District on a 0.10 gross acre site.

LOCATION:

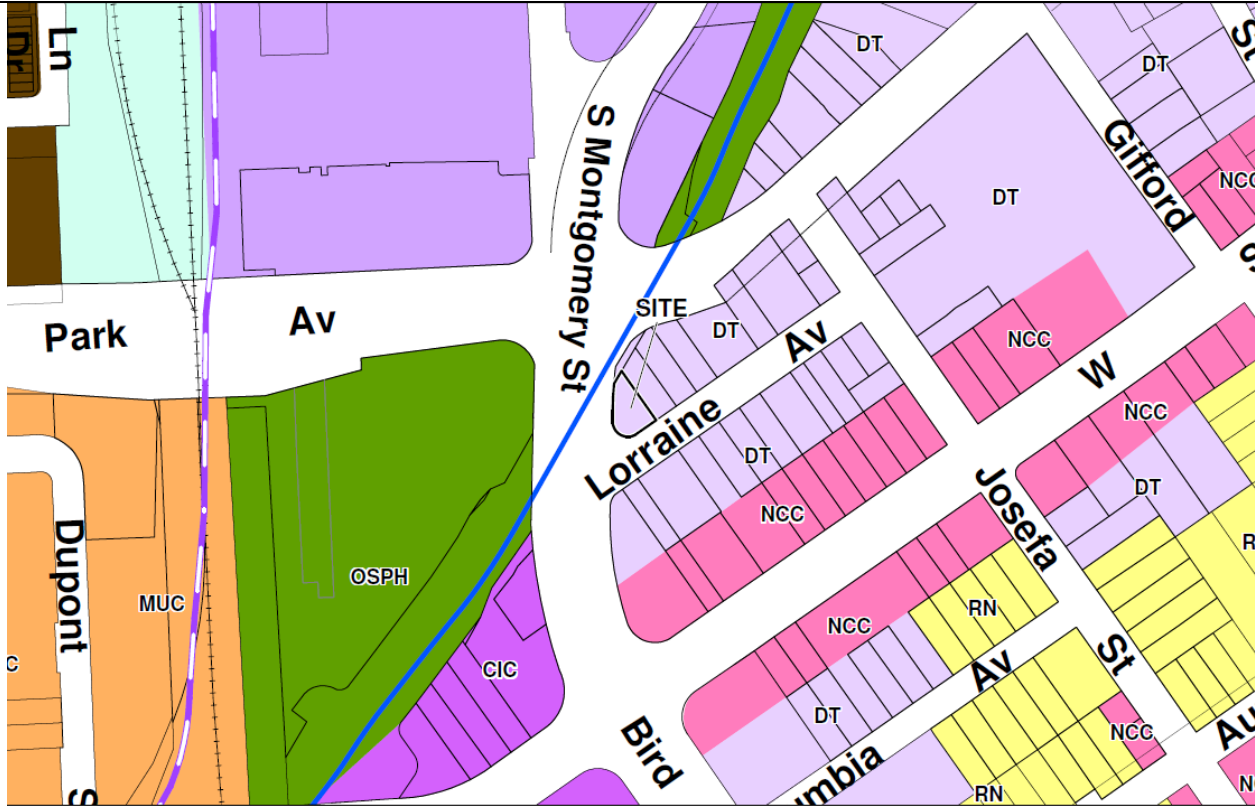
Northeast corner of Lorraine Avenue and S. Montgomery Street (565 Lorraine Avenue)

Zoning	LI - Light Industrial
Proposed Zoning	DC - Downtown Primary Commercial
General Plan	Downtown
Council District	3
Annexation Date	3/16/1911
SNI	Delmas Park
Historic Resource	No
Specific Plan	None

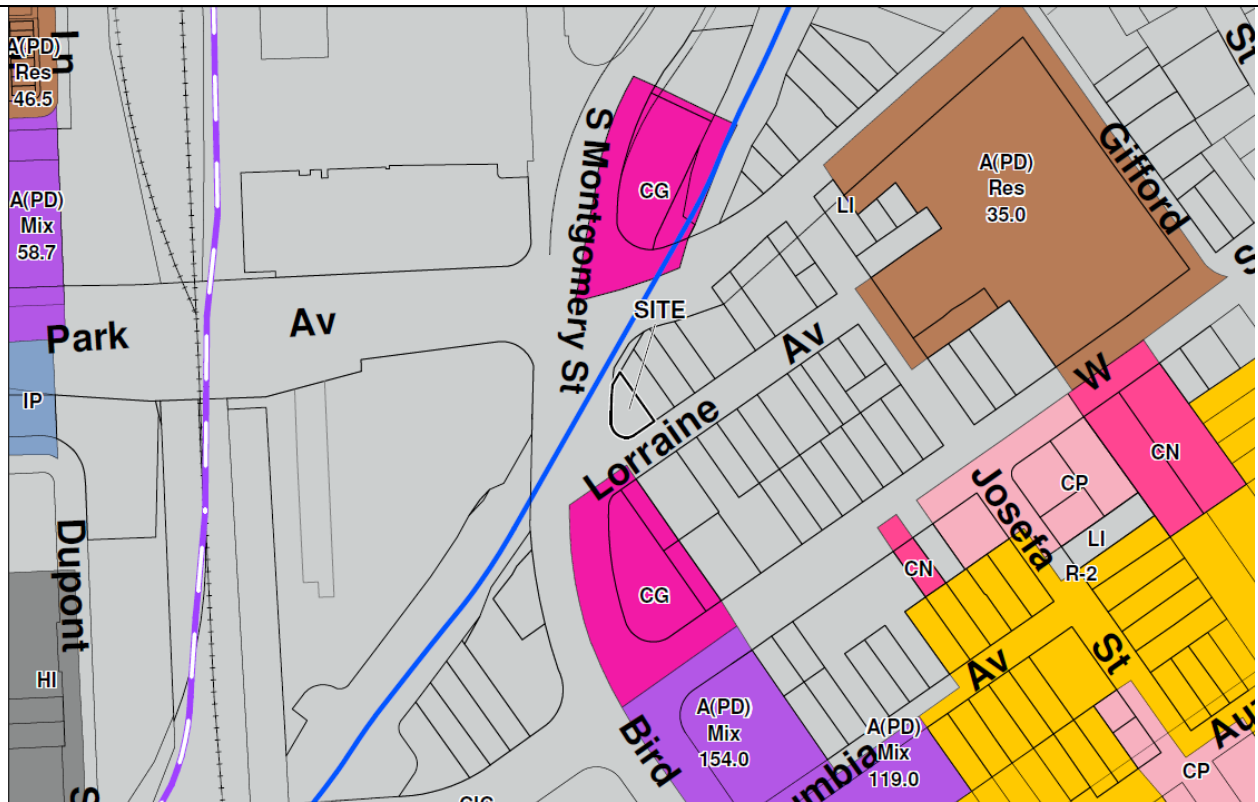
Aerial Map



ENVISION 2040 GENERAL PLAN



ZONING



RECOMMENDATION

Staff recommends that the Commission recommend approval of the proposed Conventional Rezoning to the City Council for the following reasons:

1. The proposed Conforming Conventional Rezoning is consistent with the goals and policies of the Envision San Jose 2040 General Plan, specifically:
 - a. The zoning will comply with the site's General Plan Land Use/Transportation Diagram designation of Downtown.
 - b. The proposed rezoning would allow uses on the subject site that are compatible with the surrounding uses.
2. There is no substantial evidence that the project will have a significant effect on the environment. Pursuant to Section 15168 of the CEQA Guidelines, the proposed project is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the Envision San Jose 2040 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR.

BACKGROUND & DESCRIPTION

On October 9, 2013, the applicant, Dean Hanson, requested a Conventional Conforming Rezoning of the subject property from the LI - Light Industrial Zoning District to the DC - Downtown Primary Commercial Zoning District to facilitate the future development of the site with a mixed-used commercial and residential development.

The property was developed in 1918 with a one-story single family home. Mixed-use commercial and residential developments are not permitted in the LI - Light Industrial Zoning District. The rezoning to Downtown Primary Commercial allows mixed-use development with ground floor commercial and residential above with the issuance of a Site Development Permit.

Site and Surrounding Uses

The 0.10 gross acre corner lot is developed with a one-story single family home, adjacent to a vacant lot. The site is bounded by industrial uses to the west, south of Lorraine Avenue, and north of Park Avenue. Access to the site is provided from by Lorraine Avenue and Montgomery Street.

City Process

The project was removed from the December 17, 2013 City Council agenda and changed from a conforming rezoning to conventional rezoning, because the Downtown Primary Commercial does not have a conforming zoning district. In addition, the City Council requested a community meeting be held to examine additional rezoning of properties near the project site. The applicant, in addition to applying for a rezoning has submitted for review a Site Development Permit application; (File N. H13-043) to develop a six-story, mixed-use building with 30 multi-family residences and 2,507 square-feet of ground floor commercial

ANALYSIS

The proposed conventional rezoning was analyzed with respect to the following: 1) conformance with the Envision San José 2040 General Plan, and 2) conformance with the California Environmental Quality Act.

Conformance to the General Plan

The proposed rezoning of the subject site to the DC - Downtown Primary Commercial Zoning District conforms to the Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Downtown.

The Downtown land use designation allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and residential uses. In terms of use, the General Plan defers to the Zoning Ordinance for more specific guidance on allowed uses. As described above, mixed-use development is a permitted use in the DC - Downtown Primary Commercial Zoning District, with the issuance of a Site Development Permit.

California Environmental Quality Act (CEQA)

Pursuant to Section 15168 of the CEQA Guidelines, the Director of Planning has determined that the proposed rezoning is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, which findings were adopted by City Council Resolution No. 76041 on November 1, 2011. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040, and the proposed rezoning does not involve new significant effects beyond those analyzed in this Final EIR.

PUBLIC OUTREACH/INTEREST

Signage was posted at the site to inform the public about the proposed change. Property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. This staff report has been posted on the City's web site. Staff has been available to discuss the proposal with interested members of the public.

As directed by the City Council, a community meeting was held on January 27, 2014 at the Delmas Park Neighborhood Community Association meeting at the IJava Café. Approximately 25 community members attended the meeting. Both the rezoning and the Site Development Permit were discussed. Generally, those in attendance were in support of development and expressed an interest in vacating Lorraine Street for future development to incorporate more public space. During the discussion, the community expressed to the applicant the need to

provide more information about the potential vision for the adjacent properties on the Lorraine Street block and how the project would incorporate or hinder those types of development. In addition, concerns about the potential problems of proposing a project with no parking and the impact to the availability of off-street parking spots were expressed. Some in attendance were concerned about the projects conformity with the proposed Diridon Area Station Plan, which is anticipated to be heard by the City Council this spring.

Project Manager: Tong (John) Tu

Approved by: 

Date:

3.4.14

Owner/Applicant:	Attachments:
Jacqueline Merlino Golzio 543 Lorraine Ave San Jose, CA 95110 Dean Hanson 13389 Folsom Blvd. Folsom, CA 95630	City Council Memo 12-17-13



Memorandum

TO: MAYOR AND CITY COUNCIL

FROM: Councilmember Sam Liccardo

SUBJECT: REZONING THE REAL
PROPERTY LOCATED ON THE
NORTHEAST CORNER OF
LORRAINE AVENUE AND SOUTH
MONTGOMERY STREET – C13-
042

DATE: December 13, 2013

APPROVED: *Sam Liccardo* PP

DATE: *12/13/13*

RECOMMENDATION:

Defer the rezoning of the real property located on the northeast corner of Lorraine Avenue and South Montgomery Street (565 Lorraine Avenue) until after a community meeting is held and direct staff to hold a community meeting to consider the rezoning of all parcels along Lorraine Avenue.

BACKGROUND

It has come to my attention that this property is in the vicinity of other parcels that could be aggregated for a larger proposal and rezoning; one in which the neighborhood has expressed an interest in reviewing and providing input on. While property owners and occupants within a 500-foot radius were sent public hearing notices as part of a standard outreach effort, Council Policy 6-30 requires that projects that are part of a significant community interest proposal and have a high degree of interest be subject to broader outreach and a community meeting. Staff should come back to Council after a more consolidated approach with adjoining parcels is considered, and after a community meeting is held.